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SUBJECT: GOS MINISTERS URGE SPLM TO RETURN TO DIALOGUE

¶1. (SBU) Summary: On October 13, the MFA convoked the diplomatic community in Sudan to a briefing at the MFA focusing on the Government's reaction to the Communique issued on October 4 by the SPLM Interim Political Bureau (IPB). The briefing was chaired by State Minister Ali Karti with the participation of Sayed El Khatib, Director of the Center for Strategic Studies, and Driss Abdelgadir, State Minister at the Presidency. El Khatib addressed what he believed to be the most critical accusations in the SPLM Communique of October 4, namely, violations with respect to obstruction of democratic transformation, lack of initiation of national reconciliation and healing process, non-implementation of the Abyei Protocol, non-completion of SAF re-deployment, lack of transparency in oil sector operations, inadequate funding of census process, delay of North-South borders demarcation, and inaction on the SPLM reshuffle list in the Government of National Unity. He further underscored the Government's concern with the temporary withdrawal of SPLM members from their functions at the national level, and urged them to return to their ministerial positions and re-engage in dialogue in order to get beyond this impasse which will surely further hamper CPA implementation. End summary.

¶2. (SBU) On October 13, State Minister Ali Karti opened a briefing for the diplomatic community in Sudan on current issues hampering Comprehensive Peace Agreement (CPA) implementation. He began with a brief overview of how the CPA itself was achieved following years of dialogue and negotiations, resulting in the end of a long war in the south. He stated that the Assessment and Evaluation Commission (AEC) is the primary mechanism for assessing AEC implementation, and emphasized that this implementation is underway after just more than two years out of a foreseen 6-year period. Admitting that there were initial delays, he underscored that, notwithstanding this, "many problems were solved."

¶3. (SBU) Minister Karti then passed the floor to Sayed El Khatib, Director of the Center for Strategic Studies, who responded in a methodical manner to the allegations of non-CPA implementation raised by the SPLM in its communique of October 4. El Khatib stated that the National Congress Party (NCP) had refrained from leveling any accusations against the SPLM during a "three year fast," for it believed that "it doesn't serve a purpose to engage in a war of words" and that doing so would "not bode well for good management of the CPA, even if the accusations were true."

¶4. (SBU) El Khatib stated that the briefing had been called because of the need to explain and define the NCP's position against such "false accusations." He thereafter addressed the NCP's responses to the violations raised in the SPLM communique initially in English and then in Arabic, an exercise lasting more than an hour. In stating that the NCP is devoted to implementation of the CPA, he repeated that raising accusations was "not in anyone's interest." He reiterated that it is the mandate and responsibility of the AEC, "the most important commission" stemming from the CPA to assess and monitor implementation by both parties. In speaking not in his capacity as an AEC member, but in speaking on behalf of the GNU and NCP, he repeated that the AEC is the proper mechanism for verifying

CPA implementation.

Obstruction of democratic transformation

15. (SBU) El Khatib intoned that promoting a democratic process must be "done in partnership," and "cannot be done by the NCP alone." He asserted that there were clear-cut steps for advancing the democratic process, including, in part, endorsement of the Political Parties Act, Election laws, the Election Commission, and the undertaking of a census. These steps, he felt, were "all being followed very responsibly," and he had little doubt that "general elections are going to be held." To prove that things were "in course," a packet of documents were distributed at the end of the briefing to all attendees, enabling them to "judge for themselves" whether there are failures and who is responsible for them.

Process of national reconciliation

16. (SBU) In ending what El Khatib characterized as one of the "ugliest wars on the African continent," he stated the Government's aim had been one of "inclusiveness." He stated that the Government had "knocked on everyone's door to join the GNU," not necessarily to give every political party "its imagined weight," but to allow them to be included in the GNU. Those who wished to participate could choose to do so. Underscoring that steps had been taken with respect to national reconciliation, he repeated that "negative talk doesn't serve the cause of national unity."

Non-implementation of Abyei Protocol

17. (SBU) El Khatib admitted that the Abyei Protocol is a "major

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problem" and the Government has neither disguised nor concealed this fact. He repeated that the report of the Panel of Experts was "legally flawed and unbinding," and that the Government is not bound to accept something "essentially flawed." In stating that the Experts had exceeded their mandate, he concluded that their having followed "neither the spirit nor the letter of the CPA," could undermine the CPA itself. He indicated that the parties had held a Leadership Meeting in order to move forward on the Abyei issue, which had been aimed at engaging the parties politically and in looking for a creative way to get around this stumbling block, including the possibility of arbitration. El Khatib emphasized that the parties have agreed to pursue a political solution to the Abyei question and are engaged in discussion. He further stated that some ideas are being considered by an Executive Committee chaired by the President and the First Vice President, including the dispatching of a joint technical team to the area. El Khatib believes that this issue can be resolved, but that the NCP cannot do this alone, and called for dialogue with the SPLM on this issue. The Government, however, is unwilling to accept a "flawed report."

Non-completion of SAF redeployment

18. (SBU) Limiting himself to noting that a UN report had cited 87% SAF redeployment in comparison to only 6.7% SPLA redeployment with respect to the 1956 line, El Khatib urged the international community to review the document itself. He added, however, that there are fewer than 3,600 SAF troops south the of the border line, and primarily in those areas where there are oil installations. "We are ready and willing to withdraw" even these troops, he stated, once the Joint Integrated Units (JIU) are ready to cover these areas.

Lack of transparency in oil sector operations

19. (SBU) El Khatib stated that there is an agreed formula for apportioning oil revenues, and a Committee which meets periodically to implement this formula. He offered to make available records of the Committee meetings and minutes of these meetings bearing the

signatures of both parties. The report for the August 2007 meeting was distributed in a packet at the end of the briefing to all attendees.

Inadequate funding of census process

¶10. (SBU) Admitting that the Government had not met its obligation one hundred percent, El Khatib noted that the mapping phase of the pre-census is complete with two major exceptions: Darfur and Southern Sudan.

Delay in demarcation of North-South borders

¶11. (SBU) El Khatib intimated that the Commission's work is delayed due to the absence of an SPLM representative at the meetings for many months, along with delays due to the Commission's inability to undertake its work during the rainy season. He stated, moreover, that some of the teams sent to the area have been attacked, bullied, and asked not to do their work. In responding to his own query "Who is responsible for this," he replied "You'd be surprised."

Inaction on the SPLM re-shuffle list in GNU

¶12. (SBU) El Khatib spoke at length about the role of the President with respect to the Council of Ministers. He urged that the CPA "does not bind the President or the NCP to do the SPLM's job" (i.e., asking their minister-appointees to resign, if they so choose). El Khatib explained that if the SPLM is not satisfied with their ministers' performance, it is up to them to "deal with him according to their party charter." "This is not our failure," he stated. "If removing someone is a dirty job, then the President is not going to do someone's dirty work; ...It's unfair to ask the President to fire someone." According to El Khatib, the NCP doesn't have to be involved; ...it's one hundred percent up to our partner."

Need for a strengthened partnership between NCP and SPLM

¶13. (SBU) El Khatib concluded his exhaustive briefing in urging both parties to work together to, at a minimum, manage the interim period. He admitted that he felt that the SPLM "has been very lukewarm about this partnership," but repeated that the GNU wants the partnership to hold. In very strong language, he stated that we "don't want it to be a card for blackmailing the other party" and held that "ultimatums are not acceptable to us." Given the nature of the tension and accusations made, El Khatib stated that it would

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take some weeks to resolve problems. He urged the international community to impress upon the SPLM that they cannot be interested in maintaining a partnership if they are threatening to pull out of its most important forum at the same time. "Is pulling out of the Government going to help resolve these issues?," he queried.

Questions and Answers

¶14. (SBU) An opportunity was afforded to the diplomatic community to raise questions and make comments at the end of the briefing. In response to a query as to whether the Salva Kiir himself is pulling out of the Government, El Khatib noted that the Communiqué does not indicate this, but suggested that only the SPLM could clarify this point. As to whether these developments would have an impact on the Tripoli Talks, El Khatib stated that such "bombshell" would cast a shadow on the talks. He reiterated, however, that, notwithstanding the "bad timing," the Government is committed to going to Tripoli. In response to a concern raised by CDA Powers with respect to whether the Government is prepared to take measures to reduce the tension, El Khatib insisted that the beginning of a solution is the return of the ministers. He underscored his belief that this crisis cannot be resolved with the SPLM walking out from the Council of Ministers. A solution is not possible without engagement and dialogue. For this reason, he stated that a "significant step would

be a return to talks." Lastly, in response to the Kenyan Ambassador's question as to whether the Government might foresee resorting to IGAD arbitration as a possible remedy, El Khatib replied that "We will abide by the CPA and will look to it for remedies; our priority is reopening dialogue. We are not going to leave any rock unturned in our search for a solution."

¶15. (SBU) In closing, State Minister Karti challenged the international community to reflect on this recent development: "If someone is complaining, then why send such a negative message on the eve of the Tripoli talks?"

¶16. (SBU) Comment: On October 16 (after the Eid), the coordinators of the AEC Working Groups, will meet to discuss ways to respond to this current crisis and, more particularly, ways to ensure more effective AEC monitoring of CPA implementation by both parties.

POWERS